

103D CONGRESS
1ST SESSION

H. R. 453

To establish a national demonstration program providing increased flexibility for schools in order to promote improved educational achievement for all students.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1993

Mr. DEFAZIO (for himself, Mr. WYDEN, Mr. KOPETSKI, and Ms. FURSE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish a national demonstration program providing increased flexibility for schools in order to promote improved educational achievement for all students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Educational Reform and Flexibility Act of 1993” or
6 “Ed-Flex”.

7 **SEC. 2. STATEMENT OF FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—The Congress finds that—

1 (1) historically, Federal education programs
2 have addressed the Nation's most pressing edu-
3 cational problems by providing categorical assistance
4 with detailed requirements relating to the use of
5 funds;

6 (2) while the approach described in paragraph
7 (1) has proven generally successful, some program
8 requirements may inadvertently impede educational
9 achievement;

10 (3) the Nation's schools and teachers are being
11 asked to deal effectively with increasingly diverse
12 educational needs that current program structures
13 may not be flexible enough to address;

14 (4) Federal mandates often limit teachers' abil-
15 ity to respond to individual student needs; and

16 (5) in order for this Nation to effectively com-
17 pete in the global economy, it is crucial for the Fed-
18 eral Government to support programs that—

19 (A) result in improved educational achieve-
20 ment by all students;

21 (B) promote the coordination of education
22 and related services that benefit and support
23 children and their families;

24 (C) enable teachers and schools to respond
25 to the needs of a diverse student population;

1 (D) provide flexibility to teachers and
2 schools by eliminating unnecessary regulation;
3 and

4 (E) place an emphasis on program results
5 rather than on tracking resources.

6 (b) PURPOSE.—It is the purpose of this title to estab-
7 lish a national demonstration program which—

8 (1) promotes improved educational achievement
9 for all students, especially those in affected pro-
10 grams, through education reform;

11 (2) provides increased flexibility for schools and
12 other recipients in the use of Federal resources, in
13 exchange for greater accountability for achieving im-
14 proved educational performance;

15 (3) encourages collaboration among school and
16 program administrators, teachers, parents, local
17 agencies, community groups, and business leaders to
18 develop more effective educational programs that
19 meet the needs of all students, especially the dis-
20 advantaged, and those served by the affected pro-
21 grams.

22 **SEC. 3. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION**
23 **AND RELATED SERVICES.**

24 (a) IN GENERAL.—Subpart 1 of Part C of the Gen-
25 eral Education Provisions Act (20 U.S.C. 1221 et seq.)

1 is amended by adding after section 421A a new section
2 421B to read as follows:

3 “FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND
4 RELATED SERVICES

5 “SEC. 421B. (a) PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—(A) The Secretary shall, in
7 accordance with this section, assist elementary and
8 secondary schools and other service providers to im-
9 prove the achievement of all students and other par-
10 ticipants, but particularly disadvantaged individuals,
11 by authorizing waivers to not more than six States,
12 which have implemented comprehensive regulatory
13 reform plans, and no more than fifty local edu-
14 cational agencies in each State.”

15 “(B)(i) In support of these projects, the Sec-
16 retary is authorized to waive any statutory or regu-
17 latory requirement (except as provided in subsection
18 (e) applicable to a program described in clause (ii)
19 that the Secretary determines may impede the abil-
20 ity of a school or other service provider to meet the
21 special needs of such students and other individuals
22 in the most effective manner possible. The head of
23 any other Federal agency in accordance with the
24 programs described in clause (ii) is similarly author-
25 ized to waive such requirements applicable to an ele-
26 mentary, secondary, or youth vocational training

1 program administered by such agency if the agency
2 head the Secretary agree that such a waiver would
3 promote the purpose of this section.

4 “(ii) The Secretary shall only waive a statutory
5 or regulatory requirement applicable to a program
6 under—

7 “(I) chapter 1 of title I of the Elementary
8 and Secondary Education Act of 1965;

9 “(II) chapter 2 of the Elementary and Sec-
10 ondary Education Act of 1965;

11 “(III) the Dwight D. Eisenhower Mathe-
12 matics and Science Education Act;

13 “(IV) the Follow Through Act;

14 “(V) subtitle B of the title VII of the
15 Stewart B. McKinney Homeless Assistance Act;
16 and

17 “(VI) the Carl D. Perkins Vocational and
18 Applied Technology Education Act, except part
19 H of title III and funds allocated by States
20 under section 232 of such Act.

21 “(2) PROJECT DURATION.—Projects conducted
22 under this section, and any waivers associated with
23 such projects, shall last no longer than three years,
24 except that the Secretary may extend a project and
25 any associated waivers for an additional two years if

1 the Secretary determines that the project is making
2 substantial progress in meeting its goals.

3 “(3) TERMINATION.—The Secretary shall ter-
4 minate a project and its associated waivers if the
5 Secretary, at any time, determines it is not making
6 acceptable progress toward meeting its goals. The
7 head of any other Federal agency who has granted
8 waivers under this section shall determine whether
9 to extend or terminate those waivers, but the Sec-
10 retary shall have exclusive authority to extend or
11 terminate the project.

12 “(b) ELIGIBILITY.—

13 “(1) IN GENERAL.—Each project that involves
14 elementary of secondary schools shall include the
15 participation of a local educational agency and at
16 least two schools.

17 “(2) GRADE AND PROGRAM REQUIREMENT.—
18 To the extent possible, each grade and academic
19 program in a participating school shall participate in
20 the project.

21 “(c) APPLICATIONS.—A local educational agency,
22 wishing to conduct a project under this section, shall sub-
23 mit an application to the State educational agency for ap-
24 proval. The State educational agency shall then transmit
25 approved applications to the Secretary. Each application

1 shall be submitted within two years of enactment and in-
2 clude a plan that—

3 “(1) describes the purposes and overall expected
4 outcomes of the project;

5 “(2) identifies, for each school or site partici-
6 pating in the project, those impediments to improved
7 educational outcomes that would be removed by the
8 proposed waivers;

9 “(3) identifies the Federal programs to be in-
10 cluded in the project, the Federal statutory or regu-
11 latory requirements to be waived, and the purpose
12 and duration of the requested waivers;

13 “(4) describes the State and local requirements
14 that will be waived, the purpose of such waivers,
15 and, if such requirements will not have been waived
16 before the project begins, when those waivers will be
17 obtained and take effect;

18 “(5) demonstrates the State has been made an
19 effort to waive substantial requirements pertaining
20 to the local educational agency;

21 “(6) describes specific, measurable, educational
22 improvement goals for each school or other site in
23 the project and for each school year of the project,
24 including—

1 “(A) goals for improving the achievement
2 of all participants, including disadvantaged in-
3 dividuals, with respect to achievement in basic
4 and advanced skills;

5 “(B) goals that reflect the broad purposes
6 of each program for which a waiver is sought;
7 and

8 “(C) an explanation of how the applicant
9 will measure progress in meeting the goals set
10 for each school or site in the project for dis-
11 advantaged individuals participating in the
12 project;

13 “(7) incorporates the comments of the Gov-
14 ernor; and

15 “(8) for projects involving elementary or sec-
16 ondary schools—

17 “(A) identifies the schools to be included in
18 the project and describes the student population
19 at each school, including—

20 “(i) current data regarding the
21 achievement of the disadvantaged students
22 as well as other students; and

23 “(ii) the number of students who—

24 “(I) are of limited English pro-
25 ficiency as defined in section

1 7003(a)(1) of the Bilingual Education
2 Act;

3 “(II) are children with disabil-
4 ities, as defined in section 602(a)(1)
5 of the Individuals with Disabilities
6 Education Act;

7 “(III) are currently or formerly
8 migratory;

9 “(IV) are educationally deprived,
10 for the purposes of chapter 1 of title
11 I of the Elementary and Secondary
12 Education Act of 1965; and

13 “(V) are eligible for a free or re-
14 duced price school lunch;

15 “(B) describes specific goals for enhancing
16 coordination between the regular education pro-
17 gram available to all students and the programs
18 serving disadvantaged students;

19 “(C) if fewer than all the schools in a local
20 educational agency will participate in a project,
21 describes the expected educational outcomes for
22 disadvantaged students in schools that do not
23 participate, and how those outcome will be as-
24 sessed;

1 “(D) describes how school administrators,
2 teachers, staff, and parents (including parents
3 of educationally disadvantaged children) have
4 been or will be, involved in the planning, devel-
5 opment, and implementation of the goals and
6 program for each participating school; and

7 “(E) contains goals for students targeted
8 by the programs described in clause (ii) of sec-
9 tion 421B(a) (1)(B) which are comparable to or
10 exceed existing goals under such programs.

11 “(d) APPROVAL OF PROJECTS.—

12 “(1) IN GENERAL.—The Secretary shall ap-
13 prove applications from no more than six States
14 which have implemented comprehensive regulatory
15 reform, and no more than fifty local educational
16 agencies in each State, after considering—

17 “(A) the comprehensiveness of the project,
18 including the types of students, schools, pro-
19 grams, and activities to be included;

20 “(B) the extent to which the provisions for
21 which waivers are sought impede educational
22 improvement;

23 “(C) the State and local requirements that
24 will be waived for the project;

1 “(D) the significance and feasibility of the
2 proposed project’s goals for each participating
3 school or site;

4 “(E) the quality of the plan for ensuring
5 accountability for the proposed plan’s activities
6 and goals; and

7 “(F) the comments of the Governors.

8 “(2) CONSULTATION.—The Secretary shall con-
9 sult with the heads of other appropriate Federal
10 agencies, if any, in determining whether to approve
11 a project. Each such agency head shall notify the
12 Secretary of any waivers granted by such agency
13 head as part of such project.

14 “(3) DISTRIBUTION OF PROJECTS.—The Sec-
15 retary shall ensure that, to the extent feasible,
16 projects assisted under this section are geographi-
17 cally distributed, and equitably distributed among
18 urban, suburban, and rural areas, as well as large
19 and small schools.

20 “(e) ALLOCATION OF FEDERAL FUNDS; RESTRIC-
21 TION ON WAIVERS.—

22 “(1) ALLOCATION OF FEDERAL FUNDS.—Fed-
23 eral funds under any program that are used to sup-
24 port a project under this section shall be allocated
25 to local educational agencies and other recipients

1 within the local educational agency in accordance
2 with the statutory and regulatory requirements that
3 govern the operation of that program, except that,
4 for the purpose of such a project, the Secretary (or
5 the head of any other Federal agency) may extend
6 the duration of, and provide continuation funding to,
7 a project chosen on a competitive basis that a par-
8 ticipating agency is conducting.

9 “(2) RESTRICTION ON WAIVERS.—Neither the
10 Secretary nor the head of any other Federal agency
11 shall waive under this section any statutory or regu-
12 latory requirement in awarding a grant after the
13 date of enactment to a service provider within the
14 local educational agency or other applicant partici-
15 pating in a project under this section.

16 “(3) SPECIAL RULE.—Neither the Secretary
17 nor, where applicable, the head of any other Federal
18 agency shall waive under this section any statutory
19 or regulatory requirement—

20 “(A) under section 438 and 439 of the
21 General Education Provisions Act;

22 “(B) under title VI of the Civil Rights Act
23 of 1964, section 504 of the Rehabilitation Act
24 of 1973, title IX of the Education Amendments

1 of 1972, or title II of the Americans with Dis-
2 abilities Act;

3 “(C) under the Individuals with Disabil-
4 ities Education Act; or

5 “(D) relating to—

6 “(i) supplement not supplant existing
7 funds;

8 “(ii) maintenance of effort;

9 “(iii) comparability; or

10 “(iv) the equitable participation of
11 students attending private schools.

12 “(f) REPORTS AND EVALUATIONS.—

13 “(1) PROJECT REPORTS.—Each project shall
14 submit, not later than ninety days after the end of
15 each year of the project, an annual report to the
16 Secretary that—

17 “(A) summarizes the principal activities of
18 the project;

19 “(B) contains school-by-school and other
20 data, as described in the project plan, that show
21 the extent to which the project is meeting its
22 overall goals, including its goals for improving
23 the achievement of all participants, particularly
24 disadvantaged individuals, with respect to

1 achievement in basic and advanced skills, and is
2 meeting the goals for each school or other site;

3 “(C) describes the impact of the project on
4 disadvantaged children in schools, if any, that
5 are not participating in the demonstration;

6 “(D) describes the effectiveness of efforts
7 to coordinate programs and services for chil-
8 dren and their families as appropriate; and

9 “(E) provides information on or com-
10 parable data regarding the programs described
11 in clause (ii) of section 428B(a)(1)(B) of
12 achievement levels of students served pursuant
13 to such programs previously demonstrated over
14 the preceding three years compared with chil-
15 dren or students served under this title.

16 “(2) SECRETARY’S REPORT.—The Secretary
17 shall submit a report to the Congress every two
18 years that summarizes and analyzes the project re-
19 ports required by paragraph (1).

20 “(3) EVALUATION REPORTS.—At the end of the
21 six year period described in this section, and at such
22 interim points as the Secretary deems appropriate,
23 the Secretary shall provide to Congress an independ-
24 ent evaluation of the projects assisted under this
25 title, as well as an evaluation of the program as-

1 sisted under this section by the Department of Edu-
2 cation and other affected Federal agencies. Such re-
3 ports may include recommendations for amendments
4 to program statutes that are based on the experience
5 of projects that successfully raise educational
6 achievement by eliminating or modifying statutory
7 or regulatory provisions that impede educational im-
8 provement.

9 “(g) DEFINITION.—For the purpose of this section,
10 the term disadvantaged students’ includes students of lim-
11 ited english proficiency, children with disabilities, students
12 who are currently or formerly migratory, and students
13 who are educationally deprived.

14 “(h) BUDGET NEUTRALITY.—The authority provided
15 by this section shall not be exercised in a manner that,
16 for any fiscal year, increases total obligations or outlays
17 of discretionary appropriations for programs subject to
18 such authority, or that increases total obligations or out-
19 lays of funding for all direct-spending programs subject
20 to such authority over those that would have occurred ab-
21 sent such authority.”.

22 (b) SUNSET PROVISION.—The amendment made by
23 subsection (a) shall be effective during the six year period
24 beginning on the date of enactment of this Act.

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